

13 Docket 11-109



SOUTHWESTERN
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638 West 39th Street / P.O. Box 419264 / Kansas City, MO 64141-6264 * 816-561-5323 / FAX 816-561-1249 / www.SouthWesternassn.com

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JAN GENACHOWSKI

June 6, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

EX PARTE OR LATE FILED

Dear Mr. Chairman:

I am the Chief Executive Officer of the SouthWestern Association, a retail trade association serving farm, construction/industrial and outdoor power equipment dealers in Kansas, Missouri, New Mexico, Oklahoma and Texas. I am writing to you today to express concern about a conditional waiver that was granted by the International Bureau in January 2011 after an abbreviated public-notice process.

The exclusive waiver granted to a company – LightSquared Subsidiary LLC – would waive the integrated service rule for its L-Band Mobile Satellite Service license. As we understand it, this would result in LightSquared dramatically expanding the terrestrial use of satellite spectrum that neighbors Global Positioning System (GPS) spectrum. This action has serious implications for all GPS technologies, and could negatively impact millions of Americans. Unfortunately, the FCC has fast-tracked the waiver process without undertaking appropriate transparent procedures. The Commission has called on a working group to investigate and report on the potential for GPS interference by June 15. **We request that the Commission only approve LightSquared's waiver if it can be substantively proven that there will be no GPS interference.**

LightSquared intends to build 40,000 high-powered ground transmission stations, which would transmit radio signals one billion times more powerful than GPS signals. Since the intended spectrum usage is immediately adjacent to GPS spectrum, it could lead to severe interference that effectively renders the GPS technology useless. Such interference would have devastating effects on the United States military, emergency responders, aviation, agricultural producers, cellular telecommunications companies, homeland security, transportation, forestry, engineering and construction, land management, disaster management, natural resources, utilities, and individual consumers who rely on GPS for everyday needs.

With such significant potential consequences, the FCC should have conducted in-depth studies on the consequences of reallocating the spectrum *prior* to issuing the conditional waiver. Such an approach would have allowed for significant public comment by all stakeholders. Instead, the FCC granted the waiver with the intention of subsequently testing the effects of repurposing the spectrum. We are concerned that the brief study period arranged by the FCC following the issuance of the conditional waiver does not allow for nearly the consideration necessary for such a far-reaching decision.

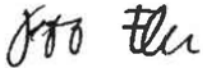
The Honorable Julius Genachowski
June 6, 2011

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Again, final FCC approval should only be granted if LightSquared can substantively demonstrate non-interference on GPS usage. We urge the full Commission to consider all aspects on this matter and allow for additional public comment moving forward. It is incumbent upon LightSquared to unequivocally prove that the proposal will not interfere with GPS spectrum.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Flora".

Jeff Flora
Chief Executive Officer